

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Establishment of Rules Governing Procedures to)	CI Docket No. 02-32
Be Followed When Informal Complaints Are Filed)	
By Consumers Against Entities Regulated by the)	
Commission)	
)	
Amendment of Subpart E of Chapter 1 of the)	CC Docket No. 94-93
Commission's Rules Governing Procedures to Be)	
Followed When Informal Complaints are Filed)	
Against Common Carriers)	
)	
2000 Biennial Regulatory Review)	CC Docket No. 00-175

COMMENTS OF VERIZON WIRELESS

Verizon Wireless hereby submits its comments in response to the Notice of Proposed Rulemaking ("NPRM") released by the Federal Communications Commission ("FCC" or "Commission") in the above-captioned dockets. In the NPRM, the Commission proposes to extend the current informal complaint rules and processes for complaints against common carriers to informal complaints filed against all regulated entities. In addition, the Commission seeks comments on whether it should make changes to the existing informal complaint rules.

Verizon Wireless takes no position with respect to the proposal to extend the informal complaint rules to other regulated entities. Verizon Wireless supports changes in the Commission's rules that will improve the informal complaints process and offers comments towards that end. Specifically, Verizon Wireless believes the Commission should amend its rules to require informal complainants to submit certain key pieces of information with each

informal complaint and to allow electronic filing of informal complaints. Many of the rule changes proposed by the Commission in the NPRM, however, would not improve the process. Thus, Verizon Wireless opposes new rules that would (1) apply more lenient rules to smaller entities; (2) allow respondents fewer than 30 days to respond to informal complaints; (3) establish a time limit of more than two years to file an informal complaint; and (4) increase the time period for relating back of formal complaints.

I. THE COMMISSION SHOULD NOT ADOPT A SEPARATE TIME TABLE FOR SMALLER ENTITIES.

In the NPRM, the Commission asks whether the time to reply to informal complaints should be extended for small entities, to avoid taxing their limited resources.¹ Verizon Wireless does not believe there is any reason to treat small and large entities any differently. While small entities may have fewer resources, they also typically have smaller operations and therefore fewer complaints. Thus, in general, the resources small entities devote to responding to informal complaints are likely appropriate and no additional response time is warranted. Indeed, given the logistical difficulties faced by large carriers with nationwide operations in researching the information needed to respond to an informal complaint, any extension in response time should apply to all carriers.²

II. THE COMMISSION SHOULD NOT REQUIRE A SINGLE POINT OF CONTACT FOR INFORMAL COMPLAINTS.

In order to facilitate communications between consumers and carriers that might lead to resolving disputes without Commission involvement, the NPRM seeks comment on measures

¹ NPRM, at ¶ 8.

² See Section V of these comments, *infra*.

designed to enable consumers to contact companies directly with their grievances. In particular, the Commission seeks comment on whether it should require companies to establish a single point of contact for receiving complaints from consumers as it has required in the Section 255 accessibility context.³

Verizon Wireless opposes requiring a single point of contact for all consumer complaints. Carriers already have customer care networks in place for dealing with consumer inquiries about products and services and for customer grievances, and already make it very easy for consumers to contact customer care.⁴ There is no indication that customers have any difficulty contacting customer care representatives. Accordingly, there is no need for the Commission to take any action to facilitate communication between carriers and their customers. Establishing a single point of contact for all customer inquiries is also a bad idea because one person could not handle the volume of customer inquiries received by large carriers. Thus, while Verizon Wireless' Section 255 point of contact gets, on average, fewer than five inquiries per month, Verizon Wireless' call centers field approximately 12 to 13 million calls per month. Requiring all potential complainants to deal with a single point of contact, therefore, would likely overwhelm the contact person creating a bottleneck that would only serve to delay resolution.

³ NPRM, at ¶ 9.

⁴ Verizon Wireless notes that the Commission has established 611 and 811 as the abbreviated dialing codes to reach carriers' repair and business office functions. *The Use of N11 Codes and Other Abbreviated Dialing Arrangements, First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 92-105, 12 FCC Rcd 5572, 5599 (1997). Verizon Wireless customers can dial either 611 or 811 to contact customer care with a question or grievance. In addition, customers can contact Verizon Wireless customer care by using one of two toll-free numbers (which are published on each customer bill), by dialing *611, via the company website, or by writing a letter.

III. THE COMMISSION SHOULD TAKE STEPS TO IMPROVE ITS INTAKE SYSTEM.

The Commission proposes to amend its rules to require six pieces of information from each informal complainant.⁵ Verizon Wireless supports the Commission's effort to improve the information it gets when it accepts an informal complaint. Under the current system, Verizon Wireless' experience has been that the Commission frequently will not obtain critical information necessary for the carrier to research the complaint internally. For example, Verizon Wireless often does not receive the complainant's account number, mobile number, or the full name of the customer listed on the account. Without at least one of these pieces of information, Verizon Wireless may not be able to identify the account and research the complaint. In some cases, incomplete information received by the Commission results in complaints being misdirected to the wrong carrier. In either event, the end result is a delay in responding to the informal complaint.

To fix these problems, Verizon Wireless supports amending the Commission's rules to require certain information that must be submitted with each informal complaint. Verizon Wireless recommends that the third enumerated item, which, as proposed, requires "details about the product or service about which the complaint is being made," be amended to make clear that where applicable, the complainant provide the phone number(s) associated with the account, the account number, and the full name of the customer listed on the account. Verizon Wireless also recommends that the Commission be diligent in adhering to these requirements. Too often in the past, in its efforts to facilitate a simple complaint process, the Commission's intake staff has accepted less than complete information leading to difficulties identifying the account or the

⁵ NPRM, at ¶ 11.

proper carrier. By adhering to a specific set of basic information requirements, the Commission and its staff will actually expedite resolution of informal complaints.

IV. THE COMMISSION SHOULD ALLOW THE FILING OF ONLINE COMPLAINTS.

The Commission seeks comment regarding whether it should make it a priority to facilitate the filing of online complaints, and, if so, what measures the Commission should take in this regard.⁶ Verizon Wireless supports facilitating electronic filing of complaints. Receiving complaints in this fashion would enable the Commission to forward the complaints to carriers electronically, which could then be routed electronically by the carrier to any internal distribution points. Electronic filing would save the Commission and the carriers the time and expense of receiving, copying, and/or faxing paper copies. Electronic filing and routing would also help entities document their responses in the event that Commission later questions whether the entity responded.⁷ Verizon Wireless also supports electronic filing over other filing methods, particularly those that require transcription by FCC staff. Verizon Wireless' experience has been that the more times the information has to be translated or processed, the more likely the complaint is to be missing information necessary for the carrier to identify and research the complaint.

⁶ *Id.*

⁷ Verizon Wireless recently was sent a list of 130 complaints for which the FCC could not locate the carrier response. Verizon Wireless was asked to research each name on the list and provide paper copies of each response. Had an electronic system been in place, Verizon Wireless could have responded to the request much more easily.

V. THE COMMISSION SHOULD ALLOW AT LEAST THIRTY DAYS FOR CARRIER RESPONSES.

The Commission seeks comment on whether it should set a specific time frame for companies to respond to informal complaints.⁸ The Commission typically gives carriers 30 days to respond to informal complaints, measured from the date notification of the complaint is sent to the carrier. In Verizon Wireless' experience, the full 30 days, and sometimes more, are needed to identify the customer, research the dealings with the customer in each situation, and formulate, draft, and transmit the response. Any time frame adopted by the Commission, therefore, must allow the entity responding to the complaint at least 30 days to respond. Any such rule should also allow that additional time could be granted for good cause shown.

VI. A TWO-YEAR STATUTE OF LIMITATION SHOULD BE APPLIED TO INFORMAL COMPLAINTS.

The Commission seeks comment on whether it should establish any time limit for the filing of informal complaints. It notes that Section 415(b) of the Communications Act establishes a two-year statute of limitations for certain claims against common carriers for money damages. It also seeks to strike a balance between protecting entities from being exposed indefinitely to stale complaints and affording complainants maximum flexibility to pursue disputes.⁹

The Commission should rule that the two-year statute of limitations imposed on formal complaints also applies to informal complaints. From a legal perspective, Section 415(b) applies to "all complaints against carriers for the recovery of damages" – it does not distinguish between

⁸ NPRM, at ¶ 14.

⁹ *Id.*, at ¶ 20.

formal and informal complaints.¹⁰ Nothing in the Commission's rules prevents consumers from seeking or the Commission from awarding damages in an informal complaint proceeding. Indeed, often the remedy sought by informal complainants are billing credits, free minutes, or other types of "in kind" damages. In addition, because the Commission's rules specifically allow a formal complaint filed within six months of an informal complaint on the same matter to revert back to the date the informal complaint was filed, the same statutory limitations should apply to both.¹¹

From a policy perspective, there is also no reason to apply a longer limitation period for informal complaints. First, filing an informal complaint is a relatively simple and inexpensive process. Because they are easier to file, the time limits for filing informal complaints should not exceed that for formal complaints. Second, the types of complaints typically raised through the informal process are known quickly by the complainant and can be fully vetted with the respondent well in advance of the two-year time period. Third, a long period would make it more difficult for respondents to ascertain the relevant facts necessary to respond to an old claim.

VII. THE COMMISSION SHOULD NOT INCREASE THE TIME PERIOD FOR RELATING BACK OF FORMAL COMPLAINTS.

The Commission seeks comment regarding a proposal to amend Section 1.718 of its rules "to provide that in all cases involving an unsatisfied informal Section 208 complaint, the period of time allowed for filing a formal complaint that will relate back to the filing date of the informal complaint is sixty days after the staff has informed the parties in writing of its

¹⁰ 47 U.S.C. § 415(b).

¹¹ 47 C.F.R. § 1.718.

disposition of the informal complaint.” The Commission offers this proposal, which was originally proposed in 1994, as a means of providing complainants with greater predictability and certainty about the complaint process. The Commission acknowledges that the proposed rule change would expand the time for filing a formal complaint based on an unsatisfied informal complaint.¹²

Verizon Wireless opposes the proposed rule change insofar as it would give complainants more time to file formal complaints that relate back. The Commission staff typically informs carriers (and presumably complainants) in writing when it closes an informal complaint proceeding. Assuming that the closing notification is the “written disposition” the Commission refers to in the NPRM, it appears that in many cases, the Commission closes informal complaint proceedings within a few months, meaning that the proposed rule may actually shorten the time period for a complainant to file a formal complaint that relates back.

However, there are still some informal complaint proceedings that remain open for extended periods of time. In these situations, the Commission’s proposal will only serve to create an open ended time in which a complainant can file a formal complaint that relates back. As a result, respondents to FCC formal complaints will have no predictability or certainty as to when a formal complaint might be filed, issues will grow stale, factual information may be lost, and key witnesses may leave the company. All of these factors will make it more difficult for entities to defend a formal complaint and will undermine Section 415(b) of the Communications Act, the section establishing the statute of limitation for most formal complaint proceedings.

¹² NPRM, at ¶ 22-23.

In order to eliminate the possibility that the time limit to file a formal complaint does not remain open for an extended or indefinite period of time, Verizon Wireless recommends that if the Commission decides to adopt the proposed rule change, it amend the proposed rule revision to read: “In all cases involving an unsatisfied informal Section 208 complaint, the period of time allowed for filing a formal complaint that will relate back to the filing date of the informal complaint is sixty days after the staff has informed the parties in writing of its disposition of the informal complaint, or six months from the date of the carrier’s report, whichever occurs first.”

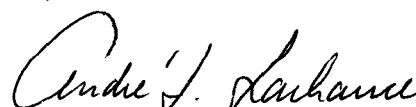
VIII. CONCLUSION

Verizon Wireless supports efforts by the Commission to improve the informal complaint process and believes the Commission should amend its rules to require informal complainants to submit certain key pieces of information with each informal complaint and to allow electronic filing of informal complaints. Many of the rule changes proposed by the Commission in the NPRM, however, would not improve the process. Thus, Verizon Wireless opposes new rules that would (1) apply more lenient rules to smaller entities; (2) allow respondents fewer than 30 days to respond to informal complaints; (3) establish a time limit of more than two years to file an informal complaint; and (4) increase the time period for relating back of formal complaints.

Respectfully submitted,

Verizon Wireless

John T. Scott, III
Vice President and Deputy General
Counsel - Regulatory Law
1300 I St, N.W., Suite 400 West
Washington, D.C. 20005
(202) 589-3760

By 
Andre J. Lachance
Regulatory Counsel
1300 I. Street, N.W., Suite 400 West
Washington, DC 20036
(202) 589-3775

Its Attorneys

Dated: May 16, 2002